

1 **IRELL & MANELLA LLP**
 David Siegel (101355)
 2 dsiegel@irell.com
 Charles Elder (186524)
 3 celder@irell.com
 1800 Avenue of the Stars
 4 Los Angeles, CA 90067
 Telephone: 310-277-1010
 5 Facsimile: 310-203-7199

6 Attorneys for Defendants
 TESLA MOTORS, INC. and ELON MUSK

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 ROBERT RAHIMI, Individually and On)
 12 Behalf of All Others Similarly Situated,)

13 Plaintiff,)

14 v.)

15 TESLA MOTORS, INC. and ELON)
 16 MUSK,)

17 Defendants.)

Case No. 3:13-CV-05216-CRB

**STIPULATION AND ORDER TO
 EXTEND TIME TO RESPOND TO
 COMPLAINT AND TO MODIFY
 BRIEFING SCHEDULE AND PAGE
 LIMITATIONS;
 DECLARATION OF CHARLES
 ELDER IN SUPPORT**

Hon. Charles R. Breyer

22 WHEREAS Plaintiff Robert Rahimi filed this putative class action on
 23 November 8, 2013, asserting claims under Sections 10(b) and 20(a) of the Securities
 24 Exchange Act of 1934 on behalf of a purported class of purchasers of defendant
 25 Tesla Motors, Inc. common stock;
 26

1 WHEREAS the Court appointed Mr. Kazim Acar as lead plaintiff in this case
2 on February 14, 2014, and gave him and Mr. Rahimi (together "Plaintiffs") 60 days
3 to amend their pleading;

4 WHEREAS on April 16, 2014, Plaintiffs filed their First Amended Class
5 Action Complaint (the "Amended Complaint"), which is 86 pages long, plus
6 exhibits;

7 WHEREAS Defendants plan to file a motion to dismiss;

8 WHEREAS the parties have agreed on a briefing schedule in which
9 Defendants have until June 16, 2014, to file a motion to dismiss the Amended
10 Complaint, Plaintiffs will have until August 7, 2014 to file an opposition, and
11 Defendants will have until August 29, 2014 to file a reply, with a hearing during the
12 week of September 22, 2014;

13 WHEREAS counsel for Plaintiffs, understanding that this Court typically
14 hears motions on Fridays, respectfully requests that the Court accommodate his need
15 to travel to and from the East Coast by scheduling the hearing for either Tuesday,
16 Wednesday or Thursday of that week; Defendants do not object to this
17 accommodation, and are available for the hearing any day during the week of
18 September 22, including Friday, September 26, 2014;

19 WHEREAS in view of the 86-page length of the Amended Complaint, the
20 parties agreed that the page limit set forth in this Court's standing order, with the
21 approval of the Court, would be increased to the page limits set by Local
22 Rule 7-4(b) for the memorandum of points and authorities (25 pages) and the reply
23 (15 pages) and to 30 pages for the opposition.

24 WHEREAS, the requested time modifications will have no other impact on
25 the schedule for the case;

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SIGNATURE ATTESTATION

I hereby attest, per the Court's Civil L.R. 5-1(i)(3), that concurrence in the filing of this document has been obtained from Matthew L. Tuccillo, Esq.

/s/ Charles Elder
Charles Elder

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

A. Defendants have until June 16, 2014, to file a motion to dismiss the Amended Complaint, Plaintiffs have until August 7, 2014 to file an opposition, and Defendants have until August 29, 2014 to file a reply.

B. Page limits for the memoranda of points and authorities in support, opposition and reply shall be: 25 pages for the memorandum of points and authorities, 30 pages for the opposition, and 15 pages for the reply, in addition to the summary of argument required by this Court's Standing Order.

C. The hearing on the motion to dismiss shall take place on September 26, 2014 at 10:00 a.m.

Dated this 23rd day of May, 2014

